

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02572-CJN**

DEFENDERS OF WILDLIFE v. U.S. DEPARTMENT OF THE
INTERIOR et al

Assigned to: Judge Carl J. Nichols

Case: 1:19-cv-02978-CJN

Cause: 05:552 Freedom of Information Act

Date Filed: 11/08/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

DEFENDERS OF WILDLIFE

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V.

Defendant

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Defendant

U.S. FISH AND WILDLIFE SERVICE

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Defendant

**U.S. BUREAU OF LAND
MANAGEMENT**

represented by **Daniel Patrick Schaefer**
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*LEAD ATTORNEY
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Date Filed	#	Docket Text
11/08/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5782226) filed by DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Civil Cover Sheet, # <u>8</u> Rule 26.1 Certificate, # <u>9</u> Summons Summons- U.S. Attorney General, # <u>10</u> Summons Summons- U.S. Attorney, # <u>11</u> Summons Summons- U.S. Bureau of Land Management, # <u>12</u> Summons Summons- U.S. Department of the Interior, # <u>13</u> Summons Summons- U.S. Fish and Wildlife Service)(Rylander, Jason) (Entered: 11/08/2018)
11/08/2018	<u>2</u>	NOTICE of Appearance by Michael P. Senatore on behalf of All Plaintiffs (Senatore, Michael) (Entered: 11/08/2018)
11/08/2018	<u>3</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by DEFENDERS OF WILDLIFE (zrdj) (Entered: 11/13/2018)
11/13/2018		Case Assigned to Judge Randolph D. Moss. (zrdj) (Entered: 11/13/2018)
11/13/2018	<u>4</u>	SUMMONS (5) Issued Electronically as to U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 11/13/2018)
11/20/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on Thursday, January 3, 2019, at 2:00 p.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 11/20/2018. (lcrdm1,) (Entered: 11/20/2018)
11/21/2018		Set/Reset Hearings: Initial Scheduling Conference set for 1/3/2019 at 2:00 PM in Courtroom 21 before Judge Randolph D. Moss. (lsj) (Entered: 11/21/2018)
12/07/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/26/2018. (Answer due for ALL FEDERAL DEFENDANTS by 12/26/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/26/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. BUREAU OF LAND MANAGEMENT served on 11/27/2018; U.S. DEPARTMENT OF THE INTERIOR served on 11/26/2018; U.S. FISH AND WILDLIFE SERVICE served on 11/27/2018 (Attachments: # <u>1</u> Exhibit Delivery receipts/Proof of Service)(Rylander, Jason) (Entered: 12/07/2018)
12/21/2018	<u>6</u>	NOTICE of Appearance by Daniel Patrick Schaefer on behalf of All Defendants (Schaefer, Daniel) (Entered: 12/21/2018)
12/21/2018	<u>7</u>	ANSWER to Complaint by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE.(Schaefer, Daniel) (Entered: 12/21/2018)
12/21/2018	<u>8</u>	Joint STATUS REPORT and Joint Motion to Vacate Status Conference by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 12/21/2018)
12/21/2018	<u>9</u>	MOTION to Vacate by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE; (SEE DOCKET ENTRY NO. <u>8</u> TO VIEW.) (ztd) (Entered: 12/28/2018)
12/27/2018		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>8</u> , it is hereby ORDERED that the initial scheduling conference set for January 3, 2019 is

		VACATED. The following schedule shall govern proceedings in this matter: (1) the Alaska State Office of BLM (hereafter, BLM) and Alaska Region of FWS (hereafter, FWS) will complete their respective searches and make their first interim productions to Plaintiff on or before January 31, 2019; (2) BLM and FWS will then continue to issue monthly, interim releases, on or before the last day of each month or the next business day, until the records processing is completed; and (3) Defendants will send to Plaintiff by January 17, 2019, a summary of the searches for BLM and FWS so that the parties can further confer about any adjustments that may be needed to the search parameters. It is further ORDERED that the parties shall submit a joint status report on or before February 7, 2019, to update the Court on the status of Defendants searches, records processing, and responses, and to propose a schedule for further proceedings. Signed by Judge Randolph D. Moss on 12/27/2018. (lcrdm1,) (Entered: 12/27/2018)
12/27/2018		Set/Reset Deadlines: The Alaska State Office of BLM (hereafter, BLM) and Alaska Region of FWS (hereafter, FWS) will complete their respective searches and make their first interim productions to Plaintiff on or before 1/31/2019; Defendants will send to Plaintiff by 1/17/2019, a summary of the searches for BLM and FWS so that the parties can further confer about any adjustments that may be needed to the search parameters; Joint Status Report due by 2/7/2019. (kt) (Entered: 12/27/2018)
01/17/2019	<u>10</u>	Unopposed MOTION to Stay , Unopposed MOTION for Extension of Time to <i>All Deadlines</i> by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 01/17/2019)
01/17/2019		MINUTE ORDER: Upon consideration of Defendants' motion to stay, Dkt. <u>10</u> , it is hereby ORDERED that the motion is GRANTED. Within 14 days of Congress appropriating funds for the Department of Justice, the parties shall submit a joint status report. Signed by Judge Randolph D. Moss on 1/17/2019. (lcrdm1,) (Entered: 01/17/2019)
02/06/2019	<u>11</u>	Joint STATUS REPORT by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 02/06/2019)
02/07/2019		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>11</u> , it is hereby ORDERED that the following schedule shall govern further proceedings: The Alaska State Office of BLM (BLM) and Alaska Region of FWS (FWS) will complete their respective searches and make their first interim productions on or before March 7, 2019; BLM and FWS will then continue to issue monthly, interim releases, on or before the 31st of each month, or the next business day, until the records processing is completed; Defendants will send to Plaintiff a summary of the searches for BLM and FWS on or before February 21, 2019; and the parties shall file a further status report with the Court on or before March 14, 2019. It is further ORDERED that, in light of the restoration in funding, this case is UNSTAYED. Signed by Judge Randolph D. Moss on 2/7/2019. (lcrdm1,) (Entered: 02/07/2019)
03/14/2019	<u>12</u>	Consent MOTION for Extension of Time to File <i>Joint Status Report</i> by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 03/14/2019)
03/15/2019		MINUTE ORDER: Upon consideration of Defendants' consent motion for extension of time, Dkt. <u>12</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file their joint status report on or before March 21, 2019. Signed by Judge Randolph D. Moss on 3/15/2019. (lcrdm1,) (Entered: 03/15/2019)
03/15/2019		Set/Reset Deadlines: Joint Status Report due by 3/21/2019. (kt) (Entered: 03/15/2019)
03/21/2019	<u>13</u>	Joint STATUS REPORT by DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Text of Proposed Order Defendants' Proposed Order, # <u>2</u> Text of Proposed Order Plaintiff's Proposed Order)(Rylander, Jason) (Entered: 03/21/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Randolph D. Moss is no longer assigned to the case. (rj) (Entered: 06/24/2019)

08/13/2019		MINUTE ORDER. In light of the Parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report by August 23, 2019. Signed by Judge Carl J. Nichols on August 13, 2019. (lccjn1) (Entered: 08/13/2019)
08/14/2019		Set/Reset Deadlines: Additional Joint Status Report due by 8/23/2019. (mac) (Entered: 08/14/2019)
08/23/2019	<u>14</u>	Joint STATUS REPORT by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order (Defendant's), # <u>2</u> Text of Proposed Order (Plaintiff's))(Schaefer, Daniel) (Entered: 08/23/2019)
08/26/2019		MINUTE ORDER. In light of the Parties' <u>14</u> Joint Status Report, which indicates that the Parties have reached an impasse regarding how Defendants should proceed in their review of potentially responsive documents, it is hereby ORDERED that: (1) Defendants shall continue to process potentially responsive records at the combined rate of 1300 to 1500 pages per month, as outlined in the <u>14</u> Joint Status Report; (2) Defendants shall, whenever possible, categorically exclude from their search results all public comments and form letters from letter-writing campaigns, as reflected in the <u>14</u> Joint Status Report; (3) Defendants shall inform Plaintiff by September 4, 2019, how many pages would remain for review after Defendants have narrowed the universe of potentially responsive documents pursuant to the Parties' March 2019 agreement and pursuant to specific recommendations made by Plaintiff on August 21, 2019; (4) the Parties shall meet and confer on additional search parameters and other processing issues to further narrow the universe of potentially responsive records to Plaintiff's request; and (5) the Parties shall file another Joint Status Report by September 23, 2019. Signed by Judge Carl J. Nichols on August 26, 2019. (lccjn1) (Entered: 08/26/2019)
08/26/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/23/2019. (zcdw) (Entered: 09/02/2019)
09/23/2019	<u>15</u>	Joint STATUS REPORT by DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Text of Proposed Order)(Senatore, Michael) (Entered: 09/23/2019)
09/25/2019		MINUTE ORDER. In light of the Parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before October 7, 2019. Signed by Judge Carl J. Nichols on September 25, 2019. (lccjn1) (Entered: 09/25/2019)
10/07/2019	<u>16</u>	Joint STATUS REPORT by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Text of Proposed Order (Plaintiff's), # <u>2</u> Text of Proposed Order (Defendant's))(Schaefer, Daniel) (Entered: 10/07/2019)
10/17/2019	<u>17</u>	NOTICE of Appearance by Lindsay Paige Dubin on behalf of DEFENDERS OF WILDLIFE (Dubin, Lindsay) (Entered: 10/17/2019)
10/17/2019		Set/Reset Deadlines/Hearings: Telephone Conference set for 10/18/2019 at 2:30 PM before Judge Carl J. Nichols. (zcdw) (Entered: 10/17/2019)
10/18/2019		MINUTE ORDER. In light of the Parties' <u>16</u> Joint Status Report and today's telephonic conference, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before November 1, 2019. Signed by Judge Carl J. Nichols on October 18, 2019. (lccjn1) (Entered: 10/18/2019)
10/18/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/1/2019. (zcdw) (Entered: 10/20/2019)
11/01/2019	<u>18</u>	Joint STATUS REPORT by DEFENDERS OF WILDLIFE. (Attachments: # <u>1</u> Text of Proposed Order)(Dubin, Lindsay) (Entered: 11/01/2019)
11/04/2019		MINUTE ORDER. In light of the Parties' <u>18</u> Joint Status Report, it is hereby ORDERED that (1) the Parties implement the additional methods they have identified to eliminate the volume of, and to prioritize, the remaining records that are potentially responsive to Plaintiff's FOIA requests; (2) Defendants process records that are potentially responsive to Plaintiff's FOIA requests at their current rates; and (3) the

		Parties file an additional Joint Status Report on or before January 8, 2020. Signed by Judge Carl J. Nichols on November 4, 2019. (lccjn1) (Entered: 11/04/2019)
11/04/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/8/2020. (zcdw) (Entered: 11/05/2019)